(75)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No.1901 OF 2004

PETITIONER Smt. Veronika Ekka W/o late Shri Edward Ekka, Aged about 56 years, R/o Village Punjipathra, Board Tamnar, Tahsil Gharghoda, Dist: Raigarh (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through Secretary Home Ministry, DKS Bhawan Raipur, Dist. Raipur (C.G.)
2. The Collector, Raigarh Distt. Raigarh (C.G.)
3. The Sub Divisional Officer, Gharghoda Dist: Raigarh (C.G.)
4. Jindal Iron & Steel, Through Managing Director Jindal Iron & Steel, Industrial Area Raigarh Dist : Raigarh (C.G.)

Present : Shri P. Diwaker, learned Sr. Advocate with Shri Anoop Majumdar, learned counsel for the petitioner.

Shri Sanjay S. Agrawal, learned G.A. for the State/ respondent 1, 2 & 3.

Shri Prashant Mishra, learned Sr. Advocate with Shri S.R.J. Jaiswal, learned counsel for respondent No. 4.

ORAL ORDER
(Passed on 5th July, 2006)

This writ petition is totally misconceived and not maintainable. By filing this writ petition, the petitioner has sought for a direction to the Land Acquisition Officer and State Authorities to reassess the market value of the subject land properly, "preferably by an independent agency" and to grant higher compensation. There is no dispute between the parties that the subject land has been acquired by the State for a public purpose in exercise of its eminent domain power under the provisions of the Land Acquisition Act, 1894 (for short "the Act"). The Act is a Code in itself as

regards legal remedies. If the computation of the compensation determined by the Land Acquisition Officer is not acceptable to the petitioner/ owner, she could have sought reference under Section 18 of the Act to the Civil Court for higher rate of compensation. Against the award, that may be passed by the Civil Court on reference, the Act provides two successive appeals, one to this Court and the other to the Supreme Court. The relief sought by the petitioner cannot be granted under Article 226 of the Constitution.

2. It was also noticed from the records that the petitioner has already sought reference under Section 18 of the Act and the same has been referred to the Civil Court. It is quite curious that notwithstanding the reference to the Civil Court, the petitioner has chosen to file this writ petition. The added ground to reject the writ petition is that the petitioner cannot be permitted to pursue two parallel remedies, one before the Civil Court and other before this Court under Article 226 of the Constitution.

3. In the result, the writ petition is dismissed. No costs.

Sd/-
Chief Justice